

IN THE UNITED STATES
DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

**JUANA CRUZ, OFELIA
BENAVIDES, GABRIELA
VELAZQOEZ, MELESIO
CRUZ, ANGELICA CHAVEZ
OLGA PEREZ, MAURICIO
SANCHEZ, JORGE MAULEON,
HECTOR GONZALEZ, YESSY
PEREZ, LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL, RAFAEL
SANCHEZ, ROSA QUINTANILLA,
HECTOR SANCHEZ, ROSENDO
LIEVANOS, MARIA
DE LOURDES CRUZ, JOSE ELIAS
NG, RICARDO GONZALO,
CONCEPCION PEREZ, ELIZABETH
LARA, MIGUEL CABALLERO,
CARLOSDANIEL LOPEZ, GILDA
RIVAS, ARMANDO MORALES DE
LLANO, LAZARO GARCIA, MARIA
DE JESUS MEDINA, GUILLERMO
DE LA CRUZ, MARIA GUADALUPE
VILLARREAL SILVA, KARINA
MEDINA, RAFAELA RIVERA,
ALICE FERNANDA CASTRO,
ALEJANDRO RANGEL,
GERALD WENDLE III,
MARIA VANTA,
MARIA RODRIGUEZ,
JORGE REYES
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

v.

CIVIL ACTION NO.: 7:25-CV-15

**DELGAR FOODS, INC D/B/A/
DELIA'S TAMALES**

Defendants.

§ **INITIAL DISCLOSURES PURSUANT**
§ **TO FEDERAL RULE OF CIVIL**
§ **PROCEDURE 26**

Pursuant to this Court's Order for Disclosure and without waiving any claims of privilege, work product protection or other grounds for nondisclosure, new Plaintiffs, by their undersigned counsel, hereby makes their Initial Disclosure to Defendant.

Plaintiffs make these disclosures based upon the information reasonably available to them at this time. Plaintiff reserved the right to amend, supplement, and modify these disclosures as the case progresses pursuant to the Federal Rules of Civil Procedure or as otherwise permitted by this Court's case management rules or Order of this Court.

1. Documents created or maintained by the Plaintiff recording time worked.

Response: None yet but reserve the right to amend. It is assumed that Delia's maintained records of employment for Plaintiffs.

- 2.. Documents created or maintained by the Plaintiff recording wages or other compensation paid or unpaid by the Defendant. (This does not include personal tax returns or tax informational documents.)

Response: None yet but reserve the right to amend. It is assumed that Delia's maintained records of employment for Plaintiffs.

- 3 If the Plaintiff reported or complained internally to the Defendant about the FLSA And RICO Claim(s), the reports or complaint and any response that the Defendant provided to the Plaintiff.

Response: N/A Plaintiff's had no knowledge about employment law or FLSA wage and hour. These people were all from Mexico and had no knowledge of any of the laws that would

protect them. Plaintiffs thought that pay deductions were actually going into the fake social security number created by Delia

4. Any offer letters, employment agreements, or compensation agreements for the Plaintiff.

Response: None yet but reserve the right to amend. It is assumed that Delia's maintained records of employment for Plaintiffs.

5. Any sworn statements from individuals with information relevant to the FLSA Claim and RICO(s).

Response: In the process of getting them. I will submit them during discovery.

6. Documents that the Plaintiff relies on to support a claim of willful violation.

Response: Deductions from paychecks when they were given fake social security numbers. Fake social security numbers and fake permanent resident cards.

Wrong overtime pay given when they worked a lot more hours.

7. The start and end dates for the FLSA and RICO Claim(s).

Response: From the time they were hired and during overtime pay. This was a sweat shop and human trafficking.

8. The Plaintiff's title or position and a brief description of the Plaintiff's job duties for the relevant time period.

Response: See below

9. The basis for the FLSA Claim(s) and RICO State and Federal

Response: These people were treated like slaves, and this is human trafficking. Delia's This is all based on affidavits and listening to the Plaintiffs. We are in the process of getting affidavits from the new plaintiffs. Delia would gave employees fake social security cards and fake permanent resident cards, then Delia would deduct withholdings knowing that the social security cards were fake.

10. A computation of each category of damages claimed by the Plaintiff, including a) applicable dates, b) amounts of claimed unpaid wages, and c) the method used for computation (including applicable rates and hours).

Response: Still working on the new plaintiffs from San Antonio. It is assumed that Delia's maintained records of employment for Plaintiffs.

11. The names of the Plaintiff's supervisors during the relevant time period.

Response: Still getting info and will provide that during discovery. It is assumed that Delia's maintained records of employment for Plaintiffs.

12. If the Plaintiff reported or complained about the FLSA or RICO Claim(s) to any government agency, the identity of each such agency, the date(s) or such reports or complaints, and the outcome or status of each report or complaint.

Response: N/A they didn't understand that they were protected under the law. No posters were ever put on walls so employees could know of their rights. It wasn't until 2022 when Delia's finally put a poster up.

13. If the Plaintiffs reported or complained to the Defendant about any FLSA or RICO Claim(s), and RICO Claims whether the report or complaint was written or oral, when the report or complaint was made, to whom any report or complaint was made, and any response provided by Defendant.

Response: Na, they didn't understand that they were protected under the law.

14. Some plaintiffs were given fake documents by Delia's.

Name of Individual Likely to have Discoverable	Contact Information address and telephone number	Subject Matter of Discoverable information.
Stephen Quezada		He was the attorney telling all/most of the plaintiffs if they appealed the termination that they (Delia's) would call immigration and have them deported.

Sofia Lubin	Told some of the employees they had a guy that does the fake documents. That she would get them for them.
Blanca Estella Sierra	HR knew about the fake documents
Letty Zumaya	She told some plaintiffs who to get fake documents from.
Lazaro Martinez	Gave some of the plaintiffs the fake documents to work.
El Guero Garza	Delia Garza's brother was the person to see to smuggle some of the plaintiff's back to the U.S.A
Delia Garza	Mistreated employees and had knowledge
Benito Garza	Nephew to Delia Garza said to some plaintiffs that Delia Garza knew about employees having fake documents.
Alberto Trevino	Hired some plaintiffs knowing that documents were fake.
Mirta Garza	Knew about employees having fake documents.
Lorenzo Luben	Knew about employees with fake documents.
Maria Guadalupe Villarreal Silva 210-965-5319	Worked long hours and didn't get paid
Karina Medina 210-810-1264	
Rafaela Rivera 9380 Camino Village Apt. 1012 San Antonio, TX. 78254 801-502-6434	Worked in kitchen from 08/19/2022 to 07/25/2024 received fake documents from Delia's

Alice Fernanda Castro
4029 Big Meadows St.
San Antonio, TX. 78254
210-394-4954

Verbal abuse, mistreatment, faulty
machinery, exposure to chemicals
would burn skin cause nausea and headaches
no paid overtime

Alejandro Rangel
3302 W. Hausman Rd.
Apt. 2116
San Antonio, TX.

Verbal and physical abuse, got tuberculosis.
Doctor didn't want him in cooler.
Orders by doctor were ignored by Delia's
Documents were not legal and provided by
Delia

210-968-6338

Gerald Wendle III
5940 Danny Kaye Dr.
Apt. 304
San Antonio, TX.
210-846-6287

Maria Vanta
5940 Panny Kaye Dr.
#304
San Antonio, TX.
210-721-3940

Maria Rodriguez
210-257-5989
77660 Tuebnerred Rd.

Jorge Reyes
210-257-5981

Delia's made false allegations against him.
Never paid overtime. Delia's paid what they
Thought was appropriate on the overtime
Ugly working conditions.

/s/Richard Alamia
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Ricardo Gonzalez
124 S. 12th Ave.
Edinburg, TX. 78539
956-383-5654
ric@oxfordgonzalez.com

Certificate of Service

I certify that a true and correct copy of this initial disclosure was sent by email to:

William R. Stukenberg
cdeason@porterhedges.com

Stephen Quezada
stephen.quezada@ogletree.com

On this the 2nd day of May 2025.

/s/Richard Alamia